

CPA/1600

PTO/SB/29(10-00)  
Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

☐ CHECK BOX, if applicable:  
DUPLICATE

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

Address to:

Box CPA  
Commissioner for Patents  
Washington, DC 20231

Attorney Docket No.  
of Prior Application

PF178D2

First Named Inventor

Daniel R. Soppet

Examiner Name

S. Ungar

Group Art Unit

1642

Express Mail Label No.

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09/525,041  
filed on March 14, 2000, entitled

Colon Specific Gene and Protein

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51 (b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53 (d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_  
under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A reply is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

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CLAIM	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (i))	102 - 20* =	82	x \$ 18.00 =	\$ 1,476.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	8 - 3** =	5	x \$ 84.00 =	420.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) 37 CFR 1.16(d)			+ \$	=
				BASIC FEE (37 CFR 1.16)	750.00
				Total of above Calculations =	2,646.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				
	* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.				
	TOTAL =				\$ 2,646.00

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 08-3425 :
- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.
8. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☐ New Attorney Docket Number, if desired \_\_\_\_\_  
*[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]*
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☒ Other: Exhibit A; Petition for Two Month Extension of Time

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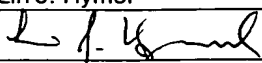
**NOTE:**

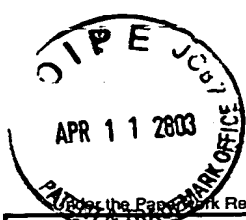
The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

**14. NEW CORRESPONDENCE ADDRESS**

<input type="checkbox"/> Customer Number or Bar Code Label		or	<input type="checkbox"/> New correspondence address below										
<table border="1"> <tr> <td colspan="2">Name</td> </tr> <tr> <td colspan="2">Address</td> </tr> <tr> <td>City</td> <td>State</td> </tr> <tr> <td>Country</td> <td>Zip Code</td> </tr> <tr> <td>Telephone</td> <td>Fax</td> </tr> </table>				Name		Address		City	State	Country	Zip Code	Telephone	Fax
Name													
Address													
City	State												
Country	Zip Code												
Telephone	Fax												

**15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Lin J. Hymel
Signature	
Registration No. (Attorney/Agent)	45,414
Date	11 April 2003



<b>FEE TRANSMITTAL</b> <b>for FY 2003</b> <small>Patent fees are subject to annual revision.</small>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/525,041-Conf. #8342
<b>TOTAL AMOUNT OF PAYMENT</b> (\$)		Filing Date	March 14, 2000
3056.00		First Named Inventor	Daniel R. Soppet
		Examiner Name	S. Ungar
		Group Art Unit	1642
		Attorney Docket No.	PF178D2

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Deposit Account	
Deposit Account Number	08-3425
Deposit Account Name	Human Genome Sciences, Inc.
The Commissioner is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input checked="" type="checkbox"/> Credit any overpayments
<input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
to the above-identified deposit account.	

1. BASIC FILING FEE				
Large Entity		Small Entity		
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1001	750	2001	375	Utility filing fee
1002	330	2002	165	Design filing fee
1003	520	2003	260	Plant filing fee
1004	750	2004	375	Reissue filing fee
1005	160	2005	80	Provisional filing fee
<b>SUBTOTAL (1)</b>				(\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE				
Total Claims	102	-20** =	82	x 18.00 = 1476.00
Independent Claims	8	-3** =	5	x 84.00 = 420.00
Multiple Dependent				
Large Entity		Small Entity		
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2)</b>				(\$) 1896.00

\*\*or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES				
Large Entity		Small Entity		
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	410	2252	205	Extension for reply within second month
1253	930	2253	465	Extension for reply within third month
1254	1,450	2254	725	Extension for reply within fourth month
1255	1,970	2255	985	Extension for reply within fifth month
1401	320	2401	160	Notice of Appeal
1402	320	2402	160	Filing a brief in support of an appeal
1403	280	2403	140	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive - unavoidable
1453	1,300	2453	650	Petition to revive - unintentional
1501	1,300	2501	650	Utility issue fee (or reissue)
1502	470	2502	235	Design issue fee
1503	630	2503	315	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))
1810	750	2810	375	For each additional invention to be examined (37CFR 1.129(b))
1801	750	2801	375	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application
Other fee (specify)				1006 Basic Filing fee - Utility (CPA) 750.00
*Reduced by Basic Filing Fee Paid				<b>SUBTOTAL (3)</b> (\$) 1,160.00

<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Name (Print/Type)	Lin J. Hymel	Registration No. (Attorney/Agent)	45,414
Signature		Telephone	(301) 251-6015
		Date	11 April 2003

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Docket No.: PF178D2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Soppet et al

Application No.: 09/525,041

Group Art Unit: 1642

Filed: March 14, 2000

Examiner: S. Ungar

For: Colon Specific Gene and Protein

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**REQUEST FOR CONTINUED PROSECUTION APPLICATION  
UNDER 37 C.F.R. 1.53(d) WITH AMENDMENTS AND REPLY**

Box CPA  
Commissioner for Patents  
Washington, DC 20231

Dear Sir:

In view of the Advisory Action mailed March 14, 2003 (*see* Paper No. 20), Applicants herein submit a request for a Continued Prosecution Application and request consideration of the following amendments and remarks. Applicants also submit concurrently herewith: (a) Continued Prosecution Application (CPA) Request Transmittal; (b) Petition for Extension of Time under 37 C.F.R. § 1.136(a); (c) a Fee Transmittal Sheet (in duplicate), with appropriate fee; (d) Version With Markings To Show Changes Made; and, (e) Exhibit A (publication by Violette, et al., *Int. J. Cancer*, 103:185-193 (2003)).

**Please amend the application as follows:**

**In the Claims:**

Please cancel claims 1 and 9-17, without prejudice or disclaimer.

Please replace previous claims 99-101 with the following amended claims 99-101:

99. (Once Amended) The antibody or portion thereof of claim 98 produced by immunizing an animal with protein (a).

04/14/2003 SFELEKE1 00000101 083425 09525041

02 FC:1201 420.00 CH  
03 FC:1202 1476.00 CH